

FOR IMMEDIATE RELEASE

**NEBRASKA PSC SUPPORTS APPEAL OF DC CIRCUIT DECISION**

LINCOLN -- Today, the five members of the Nebraska Public Service Commission – Chairman Gerald L. Vap, Vice Chair, Rod Johnson, Commissioner Frank Landis, Commissioner Anne Boyle and Commissioner Lowell Johnson - joined the chorus of voices seeking expeditious review of the recent D.C. Circuit Decision that vacated significant aspects of the FCC's Triennial Review Order. The Commission agreed that rapid Supreme Court review is the best way to restore confidence and some measure of stability to the telecommunications sector.

The vacated FCC rules allowed states to determine when local telephone competition is sufficient in a given market to remove requirements on large incumbent phone companies to make portions of their networks available to competitors at certain prices. The PSC will continue an open, ongoing proceeding that was initiated in response to vacated portions of the FCC's order. Commissioner Anne Boyle commented, “Utilizing all available resources to ensure competitive vitality is logical. To do less short changes huge investments made by taxpayers and the industry.”

Since 1996, the states have played a vital role in implementation of the Telecommunications Act. That role was given to them by Congress. According to the Nebraska Commission, the FCC made the correct and most logical policy choices in its order since the states provided the initial findings in implementation of the Act. The FCC determined that the

record before it indicated that the Act required competitors be granted access to certain elements and that detailed records, like those created at the state level, will provide a better basis for determining where retention of competitor access to particular elements is appropriate. The Commission encourages the Administration and the FCC to quickly seek both clarification and a stay from the United States Supreme Court. Chairman Vap stated, "It does not make sense to set aside the partnership between the FCC and the states envisioned by Congress."